



**US Army Corps
Of Engineers**

Walla Walla District
201 North Third Avenue
Walla Walla, WA 99362-1876

Public Notice

Permit Requirements for Emergency
Flood Repair Work

January 12, 2004

The recent heavy snow pack may increase the possibility for minor flooding this spring. People who need to do in-water work for flood protection and repair flood damage following flooding may need to obtain a Department of the Army permit for their work. Some limited "emergency" repair and maintenance activities do not require a permit. This notice will tell you how to get a permit from the Corps of Engineers and what minor activities do not need our permit. An application form and other permit information may be obtained by visiting our Internet web site at: <http://www.nwww.usace.army.mil/html/offices/op/rf/rfhome.htm> .

An emergency is defined as a situation that involves a hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action is not taken in less time than is needed for processing a standard permit application.

The Walla Walla District administers the Corps Regulatory Program in the state of Idaho under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. Under these laws, a permit is required for most construction activities in waterways and wetlands. These include lakes and ponds, as well as intermittent and perennial rivers, streams, and creeks.

We will do all we can to streamline permit coordination with other federal, state and local agencies and the public. We have a staff of eight project managers located in field offices in Coeur d'Alene, Boise, and Idaho Falls as well as our District office in Walla Walla. The following information provides our permit requirements for common flood protection and repair work throughout Idaho. We are also available to answer your questions on specific projects not mentioned below. In some cases, we are available to meet on-site to inspect problems and discuss permit requirements.

- A Corps permit is required for discharging fill material below the ordinary high water mark of a waterway or in wetlands.

- The Corps does not need to be contacted for work above the ordinary high water mark or in non-wetland areas. This includes placing sandbags around a house or other structure that is threatened by floodwater, or constructing dikes or levees outside the normal river channel and wetlands.

- Permits are not required when front end loaders, or similar bucket-type equipment, are used for emergency removal of fallen trees and other minor debris that may cause bank erosion or flooding. In general, debris should not be disposed in the waterway, high flow channels or wetlands. Removal activities conducted with a bulldozer or removal of large debris piles, however, require a permit and should be coordinated with our Regulatory staff. Wholesale channel clearing, cleaning and relocation require an individual permit application and are discouraged. In addition, high flow channels and wetlands, which can carry or store floodwaters, should not be blocked off. All material removed must be disposed of in an upland location and not disposed in waterways or wetlands.

- Certain types of work are exempt from permit requirements. Among these are excavation of gravel and debris in the immediate vicinity of bridges, culverts or other structures to maintain the structure. In general, this is limited to within 100 feet of the structure. Excavation work may not modify the waterway by making it deeper or wider than the waterway existed before the flood event. Excavated material must be disposed of in a location where it cannot reenter the waterway.

- Also exempt is repair of existing dikes, dams, levees, riprapped banks, breakwaters, causeways, bridge abutments and roadways damaged by recent flooding, if there is no change from the original design.

- In addition to the exempt activities listed above, there are several nationwide permits, which authorize minor activities in waterways. Nationwide Permit 13 authorizes bank protection projects such as placing rock riprap along a riverbank or shoreline. To qualify for this nationwide permit, the rock must be placed at the point of erosion. Nationwide Permit 13 requires the project be less than 500 feet long and less than 1 cubic yard of rock per running foot of shoreline be placed below the ordinary high water mark. Larger projects which exceed these limits may be authorized by this nationwide permit but require that we be notified and verify authorization under the nationwide permit.

Other nationwide permits may authorize specific flood protection and repair projects. However, unless specifically mentioned above, you should contact the Corps for permit requirements relating to your specific situation. Your questions may be answered over the telephone with little or no paperwork. The Corps will make every effort to expedite required permits. A free information packet that explains permit requirements and an application form is available on the Corps Internet web site. For further information or to request this packet, please contact the Corps office nearest you as listed below.

For work in Boundary, Bonner, Kootenai, Shoshone, and Benewah counties, contact Mr. Gregg Rayner or Mr. Mike Doherty at the Coeur d'Alene Regulatory Office at 208-765-7256 or 208-765-7237. Their address is Coeur d'Alene Regulatory Office, Corps of Engineers, 3815 Schreiber Way, Coeur d'Alene, Idaho 83814-8363.

For work in Latah, Nez Perce, Lewis, Clearwater, and Idaho counties contact Mr. Duane Mitchell at the Walla Walla District Office at 509-527-7156. His address is at the top of this public notice.

For work in Adams, Valley, Washington, Payette, Gem, Boise, Canyon, Ada, Elmore, Owyhee, Camas, Blaine, Minidoka, Cassia, Gooding, Lincoln, Jerome, Twin Falls Counties and the western part of Custer County, contact Mr. Greg Martinez or Mr. Eric Gerke at the Boise Regulatory Office at 208-345-2154 or 208-345-2286. The address is Boise Regulatory Office, Corps of Engineers, 304 North 8th, Room 140, Boise, Idaho 83702-5802.

For work in Lemhi, Butte, Clark, Fremont, Jefferson, Madison, Teton, Bingham, Bonneville, Power, Oneida, Bannock, Caribou, Franklin, Bear Lake counties, and the eastern part of Custer County, contact Mr. Rob Brochu or Mr. James Joyner at the Idaho Falls Regulatory Office at 208-522-1645 or 208-522-1676. Their address is Idaho Falls Regulatory Office, Corps of Engineers, 900 Skyline Drive, Suite A, Idaho Falls, Idaho 83402-1718.

Work that requires a permit and is located in habitat for species listed as threatened or endangered species under Section 7 of the Endangered Species Act requires that we consult with U.S. Fish and Wildlife Service or National Marine Fisheries Service. During emergency situations, these agencies have agreed to allow the emergency repair to proceed before consultation is complete. Once the work is done we will initiate consultation as required under the Endangered Species Act. Consultation may involve additional requirements for the landowner, such as to plant vegetation on the new fill, modify the fill to reduce impacts to fisheries, or remove the fill from the waterway.

Idaho Department of Water Resources (IDWR) may also require a permit for work below the ordinary high water mark of perennial streams and rivers. For their permit requirements, contact their office in Boise at 208-327-5448 or their office in Twin Falls at 208-736-3033. The Corps of Engineers and IDWR will cooperate to expedite permit applications for all flood work.

A handwritten signature in black ink that reads "A. Bradley Daly". The signature is written in a cursive, flowing style.

A. Bradley Daly
Chief, Regulatory Division